

Docket No. 245420US6



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kimihiro SAITO, et al.

SERIAL NUMBER: 10/714,866

ATTN: APPLICATION BRANCH

FILING DATE: November 18, 2003

FOR: OPTICAL PICKUP DEVICE, RECORDING AND REPRODUCING APPARATUS AND GAP DETECTION METHOD

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the notification dated February 17, 2004, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle

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245420US6



Declaration and Power of Attorney For Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

私の住所、郵便の宛先、国籍は下記の私の氏名の後に記載された通りです。

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者（下記の名称が複数の場合）であると信じています。

上記発明の明細書は、

本書に添付されています。
 ____ 月 ____ 日に提出され、米国出願番号または特

許協定条約国際出願番号を

_____ とし、

（該当する場合）_____ に訂正されました。

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.

OPTICAL PICKUP DEVICE, RECORDING AND REPRODUCING APPARATUS AND GAP DETECTION METHOD

the specification of which

is attached hereto.
 was filed on November 18, 2003

as United States Application Number or PCT International Application Number

10/714,866 and was amended on
_____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

Japanese Language Declaration (日本語宣言書)

私は、米国法典第35編119条(a) – (d)項又は365条(b)項に基づき下記の、米国以外の國の少なくとも一ヵ国を指定している特許協力条約365(a)項に基づく國際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

Prior Foreign Application(s) 外国での先行出願

| | |
|----------------------------------|----------------------------|
| P2002-341378 (Number) (番号) | JAPAN (Country) (国名) |
| (Number) (番号) | (Country) (国名) |

私は、第35編米国法典119条(e)項に基づいて下記の米国特許出願規定に記載された権利をここに主張いたします。

| | |
|-----------------------------|------------------------|
| (Application No.) (出願番号) | (Filing Date) (出願日) |
|-----------------------------|------------------------|

私は、下記の米国法典第35編120条に基づいて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条(c)に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約國際提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

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| (Application No.) (出願番号) | (Filing Date) (出願日) |
| (Application No.) (出願番号) | (Filing Date) (出願日) |

I hereby claim foreign priority under Title 35, United States Code, §119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Claimed 優先権主張

| | | |
|--|---|------------------------------------|
| November 25, 2002 (Day/Month/Year Filed) (出願年月日) | <input checked="" type="checkbox"/> Yes はい | <input type="checkbox"/> No いいえ |
| (Day/Month/Year Filed) (出願年月日) | <input type="checkbox"/> Yes はい | <input type="checkbox"/> No いいえ |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| | |
|-----------------------------|------------------------|
| (Application No.) (出願番号) | (Filing Date) (出願日) |
|-----------------------------|------------------------|

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

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| (Status: Patented, Pending, Abandoned) (現況：特許許可済、係属中、放棄済) |
| (Status: Patented, Pending, Abandoned) (現況：特許許可済、係属中、放棄済) |

Japanese Language Declaration (日本語宣言書)

私は、私自身の知識に基づいて本宣言書中で私が行なう表明が真実であり、かつ私の入手した情報と私の信じるところに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行なえば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

委任状：私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。

(弁護士、または代理人の指名及び登録番号を明記のこと)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

Customer Number

22850

書類送付先

Send Correspondence to:

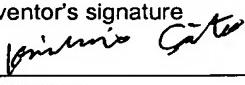
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|-----------------------|--|------------------------|
| 単独発明者または第 1 の共同発明者の氏名 | Full name of sole or first inventor Kimihiro SAITO | |
| 発明者の署名 | Inventor's signature  | Date March 19, 2004 |
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| 国籍 | Citizenship JAPAN | |
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Japanese Language Declaration
(日本語宣言書)

| | | | |
|--------------|---|-----------------------------|------|
| 第 2の共同発明者の氏名 | Full name of second joint inventor, If any Tsutomu ISHIMOTO | | |
| 第 2の共同発明者の署名 | 日付 | Second inventor's signature | Date |
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| | | | |
|--------------|---|----------------------------|------|
| 第 3の共同発明者の氏名 | Full name of third joint inventor, If any | | |
| 第 3の共同発明者の署名 | 日付 | Third inventor's signature | Date |
| 住所 | Residence | | |
| 国籍 | Citizenship | | |
| 郵便の宛先 | Mailing Address | | |